This is just a brief thumbnail description as to some of the questions that we have and that are pending yet. My sense is that it is indispensable that the Judiciary Committee move ahead with the inquiry that was conducted back in 1995 to find out specifically why it took the Department of Justice approximately 2 years to come to this stage of their inquiry and take a look at the findings that led to a declination of prosecution as to some individuals in the face of what appears to be significant evidence on a falsification of the rules of engagement.

We do know that at the hearings conducted in 1995, there was another set of rules of engagement which discussed a permissive use of force, specifically noting where deadly force may be used. During the course of our subcommittee hearings, we could never determine precisely who issued the rules of engagement because no one would take responsibility for them. But the way this investigation has been conducted by the Department of Justice, certainly in my judgment, urgently requires congressional oversight. We know that the prosecuting attorney of Boundary County has now issued an indictment against a special agent sharpshooter, whose firing resulted in the death of Mrs. Vicki Weaver, on charges of involuntary manslaughter.

Had I been the prosecuting attorney there, I would not have brought that prosecution, under all the facts of the case. I have been a district attorney and have made judgments that involve when a prosecution ought to be brought. But I can understand why the district attorney of Boundary County brought the charges in light of the bad bungling that the Department of Justice has made of this case. And there are many, many collateral matters that have not yet been answered satisfactorily. The Attorney General approved the promotion of Mr. Potts to be Deputy Director of the FBI, in a context where red flags were present about Mr. Potts' qualifications for that job, being a very close personal friend of FBI Director Freeh. That was inquired into at some length during the Judiciary subcommittee hearings, but we did not have the benefit of the Attorney General's testimony in that matter. She took the position that she does not testify before subcommittees because there are so many subcommittees. The point the subcommittee raised at that time was that we were not asking her opinion on a variety of legislative issues where there are so many issues and subcommittees, but we asked for her testimony as a fact witness as to why she personally approved the promotion of Mr. Potts. But she declined to appear. We declined to issue a subpoena or have a confrontation on the issue.

When I discussed this personally with the Attorney General, she restated her position and said maybe she should have appeared. I told her at that time, months ago, she might have occasion to appear yet. I hope that she does have occasion to appear on the questions relating to many issues in this very complex matter, because as stated in the statement issued by U.S. Attorney Stiles, this was approved by the Department of Justice and, inferentially, by the Attorney General herself. These are matters that have to be inquired into.

On the subject of having this matter now taken to the Office of Professional Responsibility, I have grave questions about what will happen there and what the time sequence will be, and their explanation as to why they took so long is there are many statutory requirements that may be reviewed by the Congress. The incident involving William Jewel in Atlanta occurred back in July 1996, and it took a full year to get oversight hearings before the subcommittee on that matter. Those hearings did not do any credit to the Office of Professional Responsibility, where Mr. Shaheen, the director of that unit, testified. Mr. Shaheen testified that Mr. Jewel's constitutional rights were violated, but it was nowhere in the report. I asked the very fundamental question, ''Why doesn't the report say so?'' It is one thing to testify before a subcommittee that the constitutional rights of a suspect were violated. But to fail to do so in the report does not give guidance to other agents in the field. It was in the context that Mr. Jewel was told he was being questioned for a training film purpose, and he was misled by the FBI agents under those circumstances. It was later concluded that his Miranda rights had been violated. In a repeated line of questioning, Mr. Shaheen could not cite any part of the report that said that. He cited sections of the report that did not say what he said he said, and he admitted that. Then, after the hearing was over, on the same day, Mr. Shaheen sent me a two-page letter saying that he had misspoken, that the Office of Professional Responsibility had not in fact found that Mr. Jewel's constitutional rights had been violated—a conclusion which is a little hard to understand in light of his extensive testimony on this subject.

Madam President, this is a very important matter. As I have said earlier, it is a matter which is still resonating in America. I was in Pennsylvania, at my open house town meetings on the 13th, 14th and 15th, when the report came out that the Department of Justice would not bring any prosecutions and a week later when the prosecuting attorney of Boundary County, ID, brought the indictments against Kevin Harris for murder in the first degree against Deputy Marshal William Degan and involuntary manslaughter against Special Agent Horiuchi. It is my hope that we will continue this inquiry with congressional oversight, because only the Congress can really undertake the kind of questioning of department heads, the Attorney General, the Director of the FBI, or the Director of Alcohol, Tobacco and Firearms, or the Secretary of Treasury, of that rank, to find out what has happened, so that we can tell the American people what the facts are. There is tremendous unrest on this subject, which is part of the unrest and distrust of Government that I have referred to earlier, confirmed by the earlier public opinion poll.

Madam President, in the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. SPECTER. Madam President, we are currently on the legislation of the appropriation bill for the Department of Labor, Health, Human Services, and Education. I, again, repeat the earlier request that anyone who has an amendment to offer, come and do so at this time. There is plenty of time available right now. Earlier the majority leader had been on the floor, and Senator HARKIN and I and Senator LOTT, our majority leader, had discussed the timing. It was our hope that we might complete action on this bill by tomorrow evening. We request that anybody who has amendments to file do so by the close of business today or, in any event, not later than noon tomorrow. We have a vote scheduled for 9:30 tomorrow morning. It is the practice that Senators will be present at that time to vote, so we can move ahead if there are amendments to be considered on this bill.

CAMPAIGN FINANCE REFORM

Mr. SPECTER. Madam President, in the absence of any other Senator on the floor, I will utilize this time to comment on the subject of campaign finance reform. I stated earlier that in my travels through Pennsylvania during part of the month of August, I heard considerable concern about the necessity for campaign finance reform, and I had commented about the overtone throughout my open house town meetings about people of my State being very suspicious of Government, very distrustful of Government. One of those items was Ruby Ridge, and I spoke at some length about that. Another item was the subject of campaign finance reform, where I have found very considerable interest, disagreeing with some of the pundits and some of the public comments.

It is my hope, Madam President, that the hearings before the Governmental Affairs Committee, on which you and I sit, will stimulate an interest in campaign finance reform. I have said with some frequency in the past that I do not believe we will have campaign finance reform until the American people demand it. It is contrary to the interests of incumbents to have campaign finance reform. This is a matter of considerable disagreement within this body, and I respect the views of our colleagues who have disagreed. But I do believe that we are awash in money. After 6 months of investigation and after 4 weeks of hearings by our Governmental Affairs Committee during the month of July, it confirms my conclusion and the view of most Americans that campaign finance reform is necessary.

Politics is awash in money, corrupting some, appearing to corrupt others, and making almost everybody in or out of the system uneasy about the way political campaigns are financed. I compliment our colleagues, JOHN MCCAIN and RUSS FEINGOLD, for providing leadership on campaign finance reform in Senate bill 25. I believe that the key provision there, which would give candidates free television advertising time, does not measure up to the constitutional standard of the fifth amendment on taking property without due process of law. I recognize the contention that the airwaves belong to the American people. But in the context where television stations and networks have operated, I do not see how you can square, constitutionally, the taking of that property without compensation.

I voted last year for cloture, to bring the issue to the floor so we can debate it, consider it, and it would be my hope that it would be brought to the floor in the month of September. I am aware of the public statements made by Senator MCCAIN and others that it may be brought and attached to other bills. So we will wait to see if that does occur.

My intention is to offer my own bill on campaign finance. I am in the final stages of the drafting of the bill and the floor statement. It would target some of the specific abuses and would expand upon what any other legislation has done in terms of what we have found from our Governmental Affairs investigation.

My own sense is that the evidence is conclusive that soft money ought to be eliminated. When you take a look at the millions of dollars which have been poured into the American electoral system, including corporate contributions on soft money, it has just totally distorted the Presidential campaigns—and also congressional campaigns—as that money moves in and out in a variety of contours. But we have public financing of Presidential elections. That public financing has been undertaken on the basis that there will not be private financing. But somehow soft money is not deemed to be a contribution, so says the Department of Justice of the United States in an inexplicable interpretation—inexplicable, in my opinion. And then according to the reports of both Dick Morris and former chief of staff Leon Panetta, the President of the United States edited and wrote Democratic National Committee campaign commercials. That, obviously, is coordination.

There is a constitutional rule that an independent expenditure, constitutionally may not be limited by a statute. But here you have the President taking money from the Democratic National Committee that was raised as soft. And, when I talk about the President, the same thing is done on the Republican side. So that I think there is bipartisan blame here.

The specific evidence has been forwarded as to what President Clinton's personal involvement was. And there are these commercials. They extol the virtues of one candidate, and they criticize the other candidate. And for some reason they are not classified as being advocacy commercials but only issue commercials.

I ask unanimous consent to include illustrations of these commercials on a letter that I wrote to Attorney General Reno dated May 1, 1997, her response, and also the response of the Federal Election Commission on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S., SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 1, 1997.

Hon. JANET RENO,
Attorney General,
Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: Following up on yesterday's hearing, please respond for the record whether, in your legal judgment, the text of the television commercials, set forth below, constitutes ''issue advocacy'' or ''express advocacy.''

The Federal Election Commission defines ''express advocacy'' as follows:

''Communications using phrases such as 'vote for President,' 'reelect your Congressman,' 'Smith for Congress,' or language which, when taken as a whole and with limited reference to external events, can have no other reasonable meaning than to urge the election or defeat of a clearly identified federal candidate.'' 11 CFR 100.22

The text of the television commercials follows:

''American values. Do our duty to our parents. President Clinton protects Medicare. The Dole/Gingrich budget tried to cut Medicare $270 billion. Protect families. President Clinton cut taxes for millions of working families. The Dole/Gingrich budget tried to raise taxes on eight million of them. Opportunity. President Clinton proposes tax breaks for tuition. The Dole/Gingrich budget tried to slash college scholarships. Only President Clinton's plan meets our challenges, protects our values.

''60,000 felons and fugitives tried to buy handguns—but couldn't—because President Clinton passed the Brady Bill—five-day waits, background checks. But Dole and Gingrich voted no. One hundred thousand new police—because President Clinton delivered. Dole and Gingrich? Vote no, want to repeal 'em. Strengthen school anti-drug programs. President Clinton did it. Dole and Gingrich? No again. Their old ways don't work. President Clinton's plan. The new way. Meeting our challenges, protecting our values.

''America's values. Head Start. Student loans. Toxic cleanup. Extra police. Protected in the budget agreement; the president stood firm. Dole, Gingrich's latest plan includes tax hikes on working families. Up to 18 million children face healthcare cuts. Medicare slashed $167 billion. Then Dole resigns, leaving behind gridlock he and Gingrich created. The president's plan: Politics must wait. Balance the budget, reform welfare, protect our values.

''Head Start. Student loans. Toxic cleanup. Extra police. Anti-drug programs. Dole, Gingrich wanted them cut. Now they're safe. Protected in the '96 budget—because the President stood firm. Dole, Gingrich? Deadlock. Gridlock. Shutdowns. The president's plan? Finish the job, balance the budget. Reform welfare. Cut taxes. Protect Medicare. President Clinton says get it done. Meet our challenges. Protect our values.

''The president says give every child a chance for college with a tax cut that gives $1,500 a year for two years, making most community colleges free, all colleges more affordable . . . And for adults, a chance to learn, find a better job. The president's tuition tax cut plan.

''Protecting families. For millions of working families, President Clinton cut taxes. The Dole-Gingrich budget tried to raise taxes on eight million. The Dole-Gingrich budget would have slashed Medicare $270 billion. Cut college scholarships. The president defended our values. Protected Medicare. And now, a tax cut of $1,500 a year for the first two years of college. Most community colleges free. Help adults go back to school. The president's plan protects our values.''

Sincerely,

ARLEN SPECTER.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, June 19, 1997.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: I have received your letter of May 1, 1997, asking that I offer you my legal opinion as to whether the text of certain television commercials constitutes ''express advocacy'' within the meaning of regulations of the Federal Election Commission (''FEC''). For the reasons set forth below, I have referred your request to the FEC for its consideration and response.

Under the Federal Election Campaign Act, the FEC has statutory authority to ''administer, seek to obtain compliance with, and formulate policy with respect to'' FECA, and exclusive jurisdiction with respect to civil enforcement to FECA. 2 U.S.C. §437c(b)(1); *see* 2 U.S.C. §437d(e) (FEC civil action is ''exclusive civil remedy'' for enforcing FECA). The FEC has the power to issue rules and advisory opinions interpreting the provisions of FECA. 2 U.S.C. §§437f, 438. The FEC may penalize violations of FECA administratively or through bringing civil actions. 2 U.S.C. §437g. In short, ''Congress has vested the Commission with 'primary and substantial responsibility for administering and enforcing the Act.''' *FEC* v. *Democratic Senatorial Campaign Comm.*, 454 U.S. 27, 37 (1981), quoting *Buckley* v. *Valeo*, 424 U.S. 1, 109 (1976).

The legal opinion that you seek is one that is particularly within the competence of the FEC, and not one which has historically been made by the Department of Justice. Determining whether these advertisements constitute ''express advocacy'' under the FEC's rules will require consideration not only of

their content but also of the timing and circumstances under which they were distributed. The FEC has considerably more experience than the Department in making such evaluations. Moreover, your request involves interpretation of a rule promulgated by the FEC itself. Indeed, it is the standard practice of the Department to defer to the FEC in interpreting its regulations.

There is particular reason to defer to the expertise of the FEC in this matter, because the issue is not as clear-cut as you suggest. In *FEC* v. *Colorado Republican Federal Campaign Comm.*, 839 F. Supp. 1448 (D. Colo. 1993), *rev'd on other grounds*, 59 F.3d 1015 (10th Cir. 1995), *vacated*, 116 S.Ct. 2309 (1996), the United States District Court held that the following advertisement, run in Colorado by the state Republican Federal Campaign Committee, did *not* constitute ''express advocacy'':

''Here in Colorado we're used to politicians who let you know where they stand, and I thought we could count on Tim Wirth to do the same. But the last few weeks have been a real eye-opener. I just saw some ads where Tim Wirth said he's for a strong defense and a balanced budget. But according to his record, Tim Wirth voted against every new weapon system in the last five years. And he voted against the balanced budget amendment.

''Tim Wirth has a right to run for the Senate, but he doesn't have a right to change the facts.''

839 F. Supp. at 1451, 1455–56. The court held that the ''express advocacy'' test requires that an advertisement ''in express terms advocate the election or defeat of a candidate.'' *Id.* at 1456. The Court of Appeals reversed the District Court on other grounds, holding that ''express advocacy'' was not the appropriate test, and the Supreme Court did not reach the issue.

Furthermore, a pending matter before the Supreme Court may assist in the legal resolution of some of these issues; the Solicitor General has recently filed a petition for certiorari on behalf of the FEC in the case of *Federal Election Commission* v. *Maine Right to Life Committee, Inc.*, No. 96–1818, filed May 15, 1997. I have enclosed a copy of the petition for your information. It discusses at some length the current state of the law with respect to the definition and application of the ''express advocacy'' standard in the course of petitioning the Court to review the restrictive definition of the standard adopted by the lower courts in that case.

It appears, therefore, that the proper legal status of these advertisements under the regulations issued by the FEC is a question that is most appropriate for initial review by the FEC.

Accordingly, I have referred your letter to the FEC for its consideration. Thank you for your inquiry on this important matter, and do not hesitate to contact me if I can be of any further assistance.

Sincerely,

JANET RENO.

U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
Washington, DC, June 19, 1997.

Hon. JOHN WARREN MCGARRY,
Chairman, Federal Election Commission, Washington, DC.

DEAR MR. CHAIRMAN: Enclosed for the attention and whatever further reply the Federal Election Commission (FEC) finds to be appropriate is a copy of an exchange of correspondence between the Attorney General and Senator Arlen Specter of Pennsylvania concerning the application of the Commission's rules governing issue advocacy by political parties to a specific advertisement. The Department of Justice regards the subject matter of this inquiry as properly within the primary jurisdiction of the FEC.

If we can assist the Commission in any way in this matter, please let me know.

Sincerely,

MARK M. RICHARD,
Acting Assistant Attorney General.

Mr. SPECTER. Madam President, that subject came up in Judiciary Committee oversight with the Attorney General testifying the day before, on April 30, where the commercials extol one candidate, criticize another, and, yet, are not considered to be advocacy commercials.

The first point of the legislation which I am preparing would end soft money.

The second point would define express advocacy to enforce the intent of the Federal election laws to prevent coordinated campaigns and to say where a commercial praises a named candidate or criticizes a named candidate, that that does constitute express advocacy.

The third provision on legislation that I am preparing would require affidavits on so-called independent expenditures. In Buckley versus Valeo, the Supreme Court of the United States said that as a matter of constitutional law Congress could not limit what an individual wanted to spend on the campaign—for example, Senator X or Presidential candidate Y—if they were truly independent. But the reality of many of these independent expenditures, if not most, is that they are not independent at all.

After surveying the scene and thinking about it, my legislation would require an affidavit to be taken by the individual who is making the independent expenditure, or the head of the committee making independent expenditure, that the expenditure is truly independent. If someone sits down and reads an affidavit, takes an oath and understands that person is subject to the penalties of perjury, there may be a little more credibility or more attention paid to what is said. If you go to jail for 5 years, that may make someone pause on a representation that an expenditure is independent.

Then my legislation would provide 48 hours after that affidavit is filed, the individual making the independent expenditure would have 24 hours to file the affidavit, and then within 48 hours file the affidavit with the Federal Election Commission. And then within 48 hours the Federal Election Commission would give that affidavit to the campaign on whose behalf the expenditure was made. And then the candidate and the campaign treasury would have to take an affidavit that the expenditure in question is truly independent. If people are prepared to take affidavits, both the person making the expenditure and the person committing on whose behalf the expenditure is made, we might see some independent expenditures which are truly independent.

The fourth provision in the bill, which I intend to offer and hopefully becomes statute, would eliminate foreign transactions which funnel money into the U.S. campaigns. This would be along the line of—we heard the testimony as to what happened in the famous transaction where the former Republican National Chairman, Mr. Haley Barbour, testified. There, if you collapse the transaction, money did come from a foreign source into the Republican National Committee. I think that Mr. Barbour got bad advice as to what was going on there, and details of that evidence show that when advice of counsel was obtained that the transaction was lawful. It was on the condition that the money not go to a political committee. But, in fact, that is what happened. The attorney who received that letter, saying that the legitimacy of the transaction would depend upon the money not going to a political committee, testified at our Governmental Affairs Committee that he didn't notice that provision, even though a letter was to him, or read that provision. The letter was, in fact, going to someone else. So that, if we tighten up on that provision so that the transaction is viewed as a whole, those kinds of foreign contributions would be eliminated.

A fifth provision of the legislation which I will propose would seek to deter massive spending of personal wealth which adopts a new standby financing framework similar to the one recently enacted in Maine, the State represented by our distinguished Presiding Officer at the moment.

Buckley versus Valeo provides as a constitutional matter that an individual may spend as much of his or her money as he or she chooses. For many years, Senator HOLLINGS and I have sought to have a constitutional amendment. That split decision by the Supreme Court of the United States, in my opinion, does not accurately state what is meant by ''freedom of speech.'' Freedom of speech does not give, in my judgment, the right of an individual to spend as much of his or her money as he or she may choose when the Supreme Court acknowledges at the same time that any other individual may be limited by what that individual may give to a Senator's campaign—$1,000 in the primary, or $1,000 in a general election.

I personally was running against Senator Heinz for the U.S. Senate seat in 1976 on a campaign which started with a limitation as to how much money an individual could spend. For a State the size of Pennsylvania it was $35,000, which was close to my amassed wealth. I was prepared to spend it. In the middle of that campaign, on the end of January 1976, the Supreme Court of the United States said that an individual could spend as much of his or her money as he or she chose but that my brother, Morton Specter, who could have financed my campaign rather generously had he chosen to do so, and I think was prepared to do so, was limited to $1,000. Where were Morton Specter's constitutional rights for freedom

of speech contrasted with the rights of a candidate? But that is the constitutional law.

But Maine has a very interesting way of handling excessive spending by providing matching funds to candidates when an opponent exceeds certain spending limits. I personally oppose public financing of Federal elections. But I think in a situation where a wealthy individual knew that a multimillion-dollar expenditure would be matched by the State, it would be a deterrence, and, in fact, the State would not have to put up that money. I think that provision is well worth considering.

The final provision of the statute which I have in mind would subject contributions for legal defense funds to be reported. And our Governmental Affairs Committee has heard incredible testimony about moneys brought in by Mr. Yah Lin ''Charlie'' Trie, something in the neighborhood of $639,000. He brought it in to the trustees of the President's legal campaign fund. Those moneys were not subject to any reporting requirements. And an article, which appeared in yesterday's Philadelphia Inquirer, points out how these suspect funds were known, and that reporting was delayed.

I ask unanimous consent that the text of this article be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, AS FOLLOWS:

[From the Philadelphia, Inquirer, Sept. 1, 1997]

CLINTON AND WIFE REPORTEDLY KNEW OF SUSPECT FUNDS

QUESTIONABLE DONATIONS TO THE CLINTON DEFENSE FUND WERE HIDDEN UNTIL AFTER THE ELECTION, A PAPER SAYS

LOS ANGELES.—Trustees of President Clinton's legal defense fund acted with the knowledge of the President and Hillary Rodham Clinton in hiding $639,000 in contributions funneled through Democratic fund-raiser Yah Lin ''Charlie'' Trie, the Los Angeles Times reported yesterday.

The trustees of the Presidential Legal Expense Trust in June 1996 used accounting measures that would allow them to refund the money from a Taiwan-based religious sect Suma Ching Hai, without reporting the transactions until after the November election, the newspaper reported.

A month earlier, the Times said, the trustees met to discuss the contributions with six administration officials including presidential aides Bruce Lindsey and Harold Ickes and White House attorneys.

The Clintons were informed last spring about the delivery of Trie's checks, as well as the decision not to inform the public, the Times reported.

The trust—which was established in 1994 to raise money for the Clinton's legal bills from Whitewater investigations and a sexual harassment suit brought by Paula Corbin Jones—is supported to operate independent of political influence.

When the donations and refunds were revealed in December, the defense funds and the White House said trustees needed nine months to scrutinize the contributions.

However, confidential congressional records, defense-fund papers and meeting notes show an effort by the White House to deal with the issue months earlier, the Times reported.

White House special counsel Lanny Davis said there was no attempt to withhold information about Trie's activities. And the executive director of the trust, Michael Cardozo, said its decisions were never influence by the White House or steered by political motivations.

Although the private trust is not subject to federal laws governing political contributions, the Clintons imposed their own rules, Individuals were limited to contributing $1,000 a year, and foreigners, corporations, labor unions, political organizations, lobbyists, and federal employees were prohibited from making donations.

Between March and May of last year, Trie made three trips to the trust to deliver a total of $789,000 mostly in $1,000 and $500 checks and money orders. Some money was rejected after some of the money orders were found to be in sequential order and written in the same handwriting, the Times said, and many contributors who appeared to be of Asian descent shared the same surname.

In May, a trust official told White House aides that the Trie-related donors appeared to belong to Suma Ching Hai.

Officials at the meeting were concerned about media coverage of the origin of the donations, the Times reported. Still, Davis insisted ''there was no discussion about whether to disclose return of the checks or the effect of disclosure on the election.''

Trustees decided to return the money in June, settling on two steps to keep the donations out of the public eye.

First, the trust eliminated the line ''Less Ineligible Contributions'' on the fund's public disclosure form released last August. Notes taken by Ickes show a reference to ''Less ineligibles,'' indicating the accounting procedure may have been discussed as early as April 4.

Second, if any sect members wanted to redonate to the legal fund, their names would not be disclosed until the next reporting period—in early 1997, the Times reported.

Mr. SPECTER. I thank the Chair.

That, in a fairly abbreviated statement, Madam President, is the substance of legislation which I propose to offer.

It is my hope that the hearings of the Governmental Affairs Committee will bring substantial public interest to this subject. I know that the Presiding Officer has cosponsored the McCain legislation, is very much in favor of campaign finance reform, and perhaps, if our hearings generate enough public interest, that kind of public demand will be created.

It is worth noting that at an early stage in the Watergate hearings people were disinterested in campaign finance reform at that time. But as those hearings progressed more public interest was stimulated, and campaign finance reform was enacted in 1974. But I believe that this is very, very important if we are to bring back public confidence with what is done in Washington, DC.

Madam President, in the absence of anyone on the floor seeking recognition, I again suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. KYL. Madam President, I at this point ask if the pending business would permit me to offer an amendment.

The PRESIDING OFFICER. Amendments are in order.

AMENDMENT NO. 1056

(Purpose: To increase funding for Federal Pell Grants, with an offset from fiscal year 1998 funding for low-income home energy assistance)

Mr. KYL. Madam President, I have sent an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 1056.

Mr. KYL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41, between lines 17 and 18, insert the following:

Of the funds made available under this heading in Public Law 104–208, to be available for obligation in the period October 1, 1997 through September 30, 1998, $527,666,000 are rescinded.

On page 56, line 21, strike ''$8,557,741,000'' and insert ''$9,085,407,000''.

On page 56, line 22, before the period insert '': *Provided*, That $7,438,000,000 shall be available to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a)''.

Mr. KYL. Madam President, let me simply indicate generally what this amendment does.

This amendment will provide an additional $528 million for the Pell Grant Program, boosting that level to the amount recommended by the Appropriations Committee. And that money will come from the LIHEAP program. It would be a direct offset. So that the $528 million would come from LIHEAP and would go to fund Pell grants.

Madam President, this amendment is very simple. It will provide an additional $528 million for the Pell Grant Program, boosting the amount in the bill to the level recommended by the House of Representatives. Pell grant funding would go from $6.910 billion to $7.438 billion. The offset is from the Low Income Home Energy Assistance Program [LIHEAP].

The additional Pell grant funding is intended to finance changes in eligibility—that is, to correct problems that have arisen as a result of the current law phaseout of certain independent students at income levels that are